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THE LAST OF THE GENERAL ASSEMBLY UNDER
THE PENNSYLVANIA CONSTITUTION OF 1776.

Extract from the Diary of William Rawle, Esq., one of the Members
during its Final Session.

CONTRIBUTED BY WILLIAM BROOKE RAWLE, ESQ.

[The Pennsylvania Constitution of 1776 was abrogated by that of 1790, which was framed by a convention which assembled at Philadelphia November 24, 1789, completed its labors February 26, 1790, and then adjourned that the people might examine its work. The convention reassembled August 9, 1790, and formally proclaimed the new Constitution September 2, 1790. The only appearance of Mr. Rawle upon the stage of political life was in the last session of the General Assembly under the Pennsylvania Constitution of 1776, to which he was elected against his will, as explained in the following extract. The only public office he was ever induced to hold was that of Attorney for the United States for the District of Pennsylvania, which was conferred upon him by President Washington on July 18, 1791, without solicitation, and voluntarily resigned by him on May 6, 1800, in the administration of President Adams.]

A few days after writing the preceding account [October 7, 1789] I was elected very unwillingly into the General Assembly.

I had refused several applications for the purpose, unwilling to desert the profitable profession of expounding, for the sterile office of making, laws. My duties to my children held me back from the impulses of ambition and the pleasures of honorable distinction. It is right on account of those children (who I wish may peruse this, and every other manuscript I leave from which they may derive some benefit, perhaps in example, but more I believe in precept,) to preserve the circumstances that evince the sincerity of my reluctance to engage in a different course of life, and to

relinquish any part of those emoluments which I solemnly declare were chiefly rendered desirable by my love for my little counterparts.

Opposite tickets were circulated on the morning of the election day and the ground appeared to be divided by contrary and irreconcilable interests. A conference between the active people on either side was proposed, and different characters were suggested without success. Colonel [Francis] Gurney and myself were finally assented as the new members, and some gentlemen were appointed to call upon me and to urge my acceptance of the station. My refusal was firm and sincere, and they retired with apparent regret. But before they reached the ground the circulation of the ticket had commenced, and the success which attended it was uniform and extraordinary. My answer was signified, but some gentlemen thought it too late to stop the progress of the election; others were persuaded that I would not refuse after the choice had taken place, and others asserted that the people having a right to the service of an individual my refusal ought not to avail.

Upon receiving this intelligence I was considerably disquieted. The indecorum of publicly opposing it on the ground alone restrained me from doing so, but I put up written notices, and caused one to be inserted in the evening paper of the day, and I prevailed on several of my friends to attend and personally to signify the impossibility of my serving. My papers were torn down and my friends were disregarded.

I was elected.

The consequences of accepting or of refusing the seat occupied my attention almost exclusively of every other object for some time afterwards, and I at length concluded that, however it might diminish that extraordinary popularity which I was not before sensible of, I would resign a seat conferred upon me by a sort of violence, tho' so flattering and dignifying.

I am not yet convinced that my acceptance of it was not

less manly and less commendable than an adherence to that determination; but as the time of meeting approached, as the public expectation was turned upon me, as my friends urged me, as the terror of public dissatisfaction encreased upon me, I gradually sunk from my resolution, and at length, at the expence of self approbation and the risque of professional emoluments, I took my seat.

The engagements of [William] Lewis in the Convention have thrown much of the burthens upon me. There are few in the present house of competency to public difficulties, few acquainted with the higher duties of public life.

Of *my* performance of those duties I have many flattering testimonials. I have enlarged the number, and I hope the esteem, of my friends; I have extended the general knowledge of my character and perhaps encreased the estimation in which it was held. Whether I have rendered my profession less lucrative time is to determine.

I do not feel however any accessions to my stock of vanity or pride. I sincerely declare myself abased in my own opinion by relinquishing my determinations of refusal, founded as they were upon deliberate reflections.

I find I have less strength and firmness of mind than I thought I possessed, and I have submitted to acquire public at the expence of internal applause.

[*Copy of Letter from William Rawle to William Lewis.*]

I give way, my dear friend, to the importunities of zealous friends, and the pressure of public exigencies, and find it impossible any longer to refuse the burthensome honor of a seat in the house.

In so doing I resign my own sense of the conduct my previous declarations required, and I shall join with you in a considerable sacrifice of private interest.

Sincerely yours
W. R.

Oct. 22d, 1789.

I wrote the above to Lewis when at last I found that I *must* take my seat.

September 5th 1790.

My public fatigues are no more.

Yesterday the members of the house agreed that the Legislature was dissolved, and we parted in great cheerfulness and good humor.

In framing the new constitution no attention appeared to have been paid to the continuance of the Assembly. But the necessity of an express provision was known to many of the convention who from different views concealed their opinions, or communicated them in confidence only to particular friends, while those who would earnestly have wished to prevent the effect, inadvertently omitted the measure requisite to prevent it.

Lewis and Ogden of Bucks County proposed to prevent an adjournment to Lancaster. Slegle, the division of York County. The thought was communicated to [Richard] Peters and myself—but I disregarded it. In the evening at the City Tavern (where Genl. Washington, the Convention and Assembly were entertained by the Mayor and Corporation) the subject was talked of as certain. I felt uneasy, and withdrew to consult Lewis. He was clear in his opinion.

In the morning I had determined on a plan which met with approbation. The house met. I moved an immediate adjournment for the purpose of consulting the Judges and other characters in the Law. It was agreed to.

The Chief Justice [McKean], Shippen, Wilson, Ingersol and Wilcocks were united in opinion. Bryan would give none. Bradford spoke with doubt.

The Executive Council attended and signified their union in the same sentiment. The Speaker therefore did not assume the chair.

Smiley openly charges a design to prevent the election for members of Congress in October.

Old Maclean insisted upon our right to sit and make laws, trusting that the ensuing legislature would confirm them.

A wild idea to which nobody appeared to listen.

When I look back to the unusual weight and difficulty of my station—unassisted by Lewis, notwithstanding his promises—unsupported by men of business, of whom there was scarce one in the house,—I feel reason to rejoice at the few mistakes I have committed.

In the business of the Comptroller General's reprimand I was involved against my inclination. We got through it however without much difficulty or disgrace.

My fellow citizens are earnest for me to continue to serve, which I cannot.

CIRCULAR.

PRINTED IN THE NEWSPAPERS.

PHILADELPHIA, Sept. 6. [1790]

Last Saturday morning the members of the late General Assembly met at the state house: but it seeming to be the general opinion that they could no longer act as a legislative body, the speaker did not take the chair. Having placed Mr. Wynkoop in the chair they agree to the following address. The unanimous thanks of the meeting were then returned to the Hon. Richard Peters, their late Speaker, and an adjournment sine die took place.

TO THE CITIZENS OF PENNSYLVANIA.

In the constitution, which received its public completion on the second instant, it is established that "The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives."

No provision is made, in any part of it, for the temporary continuance of the legislative functions of the house of assembly: hence it has been doubted whether our powers did not cease with the adoption of the constitution; whether a legislature consisting of a single house could bind the people

by laws after the people had declared, that their laws should be the act of two houses, with the sanction, under certain regulations, of the chief executive officer. We have considered that the power vested in the late convention, was necessarily superior to ours tho' derived from the same source, at the same time. To them was entrusted the office of making a new plan of government after an avowed experience of the inconveniences of the former; to us, the task of common and necessary legislation while they were so employed. As they were not restrained in their appointment to any time at which the government they might form should commence in its effect, it is obvious that they were no less masters of this circumstance, than of the different parts and principles of which the system should be composed.

To deny, therefore the authority of the convention to supersede the powers we possessed would be, to dispute the authority of the people from whom we received our powers, and to whom we are accountable for the exercise of them.

In this peculiar situation we have not relied, altogether on our own judgment: we have consulted with the President and Supreme Executive Council (who are expressly continued in office) with the judges and other respectable authorities in the profession of the law.

We have found their opinions generally to coincide with ours. We have also contemplated the impropriety of proceeding under an authority doubtful and perhaps extinguished, at a considerable expence to the Commonwealth, to enact laws which perhaps would not be enforced, and to direct measures which might only terminate in disorder & disobedience.

We have therefore thought it our duty to retire from the station in which we were placed, altho' it is with regret that we leave much necessary business unfinished.

We have also considered ourselves under the obligation of informing you, to whom we hold ourselves accountable for our public conduct, of the reasons which have induced

us to decline the further exercise of the trust reposed in us.

September 4th, 1790.

JOHN M'DOWELL,
JAMES CLEMONS,
JOHN HOPKINS,
HENRY DERING,
JAMES CUNNINGHAM,
JOHN MILLER,
JOSEPH READ,
JACOB SYMSER,
JOHN STEWART,
THOMAS LILLY,
WILLIAM GODFREY,
DAVID MITCHELL,
JOHN LUDWIG,
THOMAS CLINGEN,
NICHOLAS LUTZ,
DANIEL LINEBACH,
JONATHAN HOGE,
LAWRENCE SECKEL,
JACOB HILTZHEIMER,
JOHN WHITE,
JAMES BARR,
JAMES MARSHALL,
JAMES JOHNSTON,
JONATHAN ROBERTS,
JAMES VAUX,
JAMES M'CREIGHT,
DAVID STEWART,
HUGH LLOYD,

WILLIAM RAWLE,
FRANCIS GURNEY,
RICHARD PETERS,
SAMUEL ASHMEAD,
THOMAS PAUL,
THOMAS BRITTON,
ELIAS BOYS,
GERARDUS WYNKOOP,
JOHN CHAPMAN,
JAMES BRYAN,
RICHARD THOMAS,
RICHARD DOWNING, JUN.
CALEB JARVIS,
PETER EALER,
STEPHEN BALLIET,
CONRAD IHRIE, JUN.
ALEXANDER WRIGHT,
ANTHONY LERCH, JUN.
JOHN MOORE,
JOHN BAIRD,
THOMAS RYERSON.
JOHN GILCREEST,
JOHN REA,
BENJAMIN MARKLEY,
JOHN CARSON,
OBADIAH GORE,
JOHN NEVILLE,
RICHARD RILEY.

CIRCULAR.

PRINTED IN THE NEWSPAPERS.

To the Electors for the City of Philadelphia.

GENTLEMEN,

With a deep impression of the honor conferred upon me at the last election, permit me earnestly to request

that I may be excused from further services in the legislature.

The peculiar inconveniences I should sustain from continuing in it, will I hope, apologize for declining a station, which great deference for the voice of my fellow citizens alone induced me to accept.

I am, with the utmost respect,

Your most obedient servant,

THIRD STREET
September 13, 1790.

W. RAWLE.

December 26, 1790.

And now having decently left the stage of public employment, let me endeavor so to arrange affairs as to escape a return to it. Of the bitternesses of public duties much might be said, for much is felt.

There are occasions in which it is proper to press forward with vigour and activity, and occasions in which deliberation and delay are equally expedient. It requires the nicest and quickest judgement to catch the momentary. But Shakespeare tells it to you much better.

“There is a tide in the affairs of men,” etc. This tide it is the grand secret of political action to take advantage of. But with all the success that can attend the happy sudden and correct adoption of it, what anxieties, what toils, what labours after information, what studies of arrangement, what painful responsibilities are the lot of the Statesman.

But can we expect success in employment so arduous unless we devote to it all our time and all our talents? Will the vacancies of professional business, the occasional and interrupted intervals of forensic labors be sufficient?

The mind must be powerful and penetrating indeed to avoid the confusion which generally arises from the concurrent shocks of different and numerous objects.